

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**FORTY-FOURTH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 20, 2007**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Gannon, Lodge, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Sarah Decker, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 19, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Gannon, Lodge, and Stegner were recorded present at this order of business.

February 19, 2007

The JUDICIARY AND RULES Committee reports that **S 1017**, as amended, and **S 1071** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1017**, as amended, and **S 1071** and ordered them transmitted to the House for the signature of the Speaker.

February 19, 2007

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Jeff Anderson as Director of the Idaho State Lottery Commission, term to expire at the pleasure of the Governor;

Major General Lawrence F. LaFrenz, as Commanding General of the Idaho National Guard, term to expire at the pleasure of the Governor.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 19, 2007

The STATE AFFAIRS Committee reports out **S 1123** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

McKENZIE, Chairman

There being no objection, **S 1123** was referred to the Fourteenth Order of Business, General Calendar.

February 19, 2007

The STATE AFFAIRS Committee reports out **S 1098** with the recommendation that it do pass.

McKENZIE, Chairman

**S 1098** was filed for second reading.

February 19, 2007

The HEALTH AND WELFARE Committee reports out **S 1143** and **S 1148** with the recommendation that they do pass.

LODGE, Chairman

**S 1143** and **S 1148** were filed for second reading.

February 19, 2007

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Mike Matthews to the Commission on Pardons and Parole, term to expire January 1, 2010;

Bill Young to the Commission on Pardons and Parole, term to expire January 1, 2009;

February 19, 2007

Pat Galvin to the Commission on Pardons and Parole, term to expire January 1, 2008.

DARRINGTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 19, 2007

The JUDICIARY AND RULES Committee reports out **S 1150** with the recommendation that it do pass.

DARRINGTON, Chairman

**S 1150** was filed for second reading.

February 19, 2007

The EDUCATION Committee reports out **HCR 9** with the recommendation that it do pass.

GOEDDE, Chairman

**HCR 9** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one day.

February 20, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 76** and **S 1120** with the recommendation that they do pass.

HILL, Chairman

**H 76** and **S 1120** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 19, 2007

Mr. President:

I transmit herewith **H 142, H 106, H 126, H 127, H 128, H 129, H 28, H 136, H 73**, as amended, and **HCR 10** which have passed the House.

JUKER, Chief Clerk

**H 142, H 106, H 126, H 127, H 128, H 129, H 28, H 136, H 73**, as amended, and **HCR 10** were filed for first reading.

Mr. President:

I return herewith **S 1010** and **S 1011** which have passed the House.

JUKER, Chief Clerk

**S 1010** and **S 1011** were referred to the Judiciary and Rules Committee for enrolling.

February 19, 2007

Mr. President:

I transmit herewith Enrolled **H 19, H 21**, and **H 93** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 19, H 21**, and **H 93** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Jim Caswell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Jim Caswell as Administrator of the Idaho Office of Species Conservation was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### **S 1163**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO RECORDING OF SURVEYS; AMENDING SECTION 55-1906, IDAHO CODE, TO REQUIRE RECORDS OF SURVEY TO SHOW A DESCRIPTION OR GRAPHICAL REPRESENTATION OF DISCREPANCIES BETWEEN BOUNDARY LINES, AS DETERMINED IN THE SURVEY, AND FENCE LINES OR OTHER EVIDENCE OF PARTITION.

**S 1164**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO WARRANTS; AMENDING SECTION 19-4408, IDAHO CODE, TO REMOVE LANGUAGE REQUIRING SEARCH WARRANTS TO BE SERVED WITH THE OFFICER PRESENT AND TO ALLOW FOR SERVICE OF WARRANTS BY SPECIFIED MEANS.

**S 1163** and **S 1164**, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 142**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 106, H 126, H 127, H 128, H 129**, and **H 73**, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 28** and **H 136**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**HCR 10**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1055** and **S 1087**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

**S 1074** by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

**H 54**, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

**S 1082**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1079**, as amended, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1002** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1002** passed, title was approved, and the bill ordered transmitted to the House.

**S 1003** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1003** passed, title was approved, and the bill ordered transmitted to the House.

**S 1043** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1043** passed, title was approved, and the bill ordered transmitted to the House.

**S 1090** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1090** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

**S 1091** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1091** passed, title was approved, and the bill ordered transmitted to the House.

**S 1092** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1092** passed, title was approved, and the bill ordered transmitted to the House.

**H 69** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 69** passed, title was approved, and the bill ordered returned to the House.

**H 70** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher,

Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 70** passed, title was approved, and the bill ordered returned to the House.

**H 14** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 14** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Hammond, granted by unanimous request, **H 79** retained its place on the Third Reading Calendar for February 22, 2007.

**S 1086** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Risch returned to the Chair.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1086** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Wednesday, February 21, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary